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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/504,968	02/15/2000	Brant L. Candelore	80398.P253	8389

7590

09/11/2002

Jeffrey S. Smith
Blakely, Sokoloff, Taylor & Zafman LLP
12400 Wilshire Boulevard 7th Floor
Los Angeles, CA 90025

EXAMINER

BACKER, FIRMIN

ART UNIT

PAPER NUMBER

3621

DATE MAILED: 09/11/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/504,968

Applicant(s)

CANDELORE ET AL. 

Examiner

Firmin Backer

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 September 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-38 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-38 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

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Response to Amendment

This is in response to an amendment file on September 6th, 2002 for letter for patent filed on February 15th, 2000 in which claims 1-38 were presented for examination. In the amendment, claims 1, 5-7, and 16 have been amended. Claims 1-38 remain pending in the letter.

Response to Arguments

1. Applicant's arguments with respect to claims 1-38 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-38 rejected under 35 U.S.C. 103(a) as being unpatentable over et al (U.S. Patent No 5,949,877 (*applicant IDS*)) in view of Geer Jr. et al (U.S. Patent No. 6,192,131)
4. As per claims 1, Traw et al teach a method for controlling access to copy controlled content (*method of protecting digital content from copying ...*) to a host device (*see abstract*) comprising receiving copy controlled content (*see summary of the invention, column 1 lines 42-58*); determining whether a host device associated with an access module is on the revocation list (*see fig 4, column 1 lines 42-58*); if the host device is on the revocation list, causing the

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associated access module to deny the copy controlled content to the host device (*see fig 4, column 1 lines 42-58*). Traw et al fail to teach an inventive concept of receiving a revocation list corresponding to a given range of identifier. However, Geer Jr. et al teach an inventive concept of receiving a revocation list corresponding to a given range of identifier (*see column 5 lines 54-61*). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Traw et al's inventive concept to include Geer Jr. et al's inventive concept of receiving a revocation list corresponding to a given range of identifier because this would ensure that the correct device is identified and allow access to the information.

5. As per claims 2, 3, Traw et al teach a method wherein the revocation list is received in and out band along with the copy controlled content (*see column 8 lines 32-57*)

6. As per claims 4, 8, Traw et al teach a method wherein the revocation list is MPEG private syntax information data structure and contains revocation information that is content specific (*see column 2 lines 5-45*).

7. As per claims 5, 6, Traw et al teach a method further comprising receiving a plurality of revocation lists, where each list corresponds to a given range of host identifiers (*see column 2 lines 48-65*).

8. As per claims 7, 10, 11, Traw et al teach a method further comprising allowing access to the copy controlled content if the host selected from the group including of a set top box, television, video player, video recorder, hard disk player, hard disk recorder, personal computer,

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memory stick recorder, minidisk player, minidisk recorder, digital video disk (DVD) player, DVD Recorder, compact disk (CD) player and CD recorder. is not on the revocation list transmitted to devices could to a home network, the home network using a communication medium from one of the group: 1394, Universal Serial Bus, Blue Tooth, and Panel Link (*see column 2 lines 48-65, 8 lines 32-57*).

9. As per claims 9, 12, 15, Traw et al teach a method wherein the copy controlled content is denied to the host device by not descrambling the copy controlled content (*see column 8 lines 32-57*).

10. As per claims 13, 14, Traw et al teach a method wherein the access module selected from the group consisting of an NRSS-A module, NRSS-B module, Point of Deployment (POD) module, and IS07816 smart card and performs conditional access by not descrambling the copy controlled content for the host device on the revocation list (*see column 8 lines 32-57*).

11. As per claims 16-38, they disclosed the same inventive concept as in claims 1-15. Therefore, they are rejected under the same rationale.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

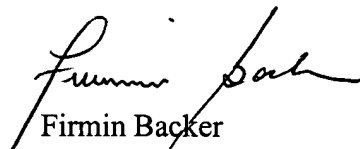
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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Firmin Backer whose telephone number is (703) 305-0624. The examiner can normally be reached on Mon-Thu 8:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on (703) 305-9768. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-7687 for regular communications and (703) 305-7687 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.


Firmin Backer
September 6, 2002


JAMES E. TRAMMELL
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600